



August 15, 2022

National FOIA Office, Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2310A  
Washington, DC 20460  
*Submitted online via FOIA.gov*

Re: FOIA Request for Select Records of Mandy Gunasekara/EPA

Dear FOIA Officer:

I am writing to request select records to, from, or by Mandy Gunasekara during key periods of her work at the Environmental Protection Agency (EPA) during the Trump Administration.

The request below, although detailed, is designed A) to efficiently capture documents that have not already been released through FOIAonline.gov, and B) to minimize EPA search, review, and production efforts. Accordingly, please do not place this request on a complex processing track.

Please also do not reply with links to previously released records that are already available on FOIAonline.gov. Also, please exclude public newsletters from organizations and news clips.

### **Requested Records**

**1st, Ethics and Recusal Records.** Please provide the following records of Mandy Gunasekara for the period from March 1, 2017, to February 28, 2019, and for the period from March 1, 2020, through January 21, 2021, when she worked at the EPA, including:

1. All documents submitted by Mandy Gunasekara to EPA's "Integrity" system.
2. Any communications between Mandy Gunasekara and Justina Fugh, Aaron Dickerson, or Sharnett Willis or anyone else regarding ethics, recusals, compensation for non-federal employment, any ethics waiver or waivers, or any notices of disqualification.
3. Any notification statements regarding negotiations for, or agreements about, post-government, non-federal employment, and/or compensation as required under Section 17 of the STOCK Act.

**2nd, Communications with Outside Interests.** Please provide all communications (including text messages created, received, or sent) between March 1, 2017, and February 28, 2018, AND from March 1, 2020, through January 20, 2021, to or from Mandy Gunasekara and any of the following entities or individuals on *any topic*—as well as any communications that include any people who are not federal employees and that mention the phrases "West Virginia v. EPA" or "WV v. EPA" or potential or actual litigation about the "Clean Power Plan":

1. Law and/or PR Firms and Public Law Offices
  - a. Baker Hostetler (including email addresses ending @bakerlaw.com)

- b. Bracewell (including emails ending @bracewell.com)
  - c. Capitol Hill Consulting Group (emails ending @capitolhillcg.com)
  - d. Clout Public Affairs (including emails ending @cloutpublicaffairs.com)
  - e. Creative Response Concepts (including emails ending @crcpublicrelations.com)
  - f. DCI Group (including emails ending @dcigroup.com)
  - g. Gibson Dunn (including emails ending @gibsondunn.com)
  - h. Hunton & Williams (including email addresses ending in @hunton.com)
  - i. Kirkland and Ellis (including email addresses ending in @kirkland.com)
  - j. Landmark Legal Foundation (email addresses ending @landmarklegal.org)
  - k. Mississippi AG's Office (including email addresses ending in @ms.gov)
  - l. Section VII Strategies (including emails ending @sectionvii.com)
  - m. West Virginia AG's Office (including email addresses ending in @wv.gov)
2. For-Profit Corporations
- a. Alliance Resource Partners
  - b. Alpha Vertical, Inc.
  - c. Ariel Corporation
  - d. BNSF
  - e. CRC Advisors
  - f. Koch Industries
  - g. Koch Companies Public Sector
  - h. Marathon Petroleum corporation
  - i. NextEra Energy Resources
  - j. Southern Company
3. Other Entities:
- a. 85 Fund
  - b. ACCCE or American Coalition for Clean Coal Electricity
  - c. American Petroleum Institute
  - d. Americans for Prosperity or Americans for Prosperity Foundation
  - e. American Energy Alliance
  - f. Bradley Foundation (including emails ending in @bradleyfdn.org)
  - g. Capital Research Center
  - h. Cato Institute
  - i. CFACT or Committee for a Constructive Tomorrow
  - j. Claremont Institute
  - k. CO2 Coalition
  - l. Competitive Enterprise Institute
  - m. Concord Fund
  - n. Consumers Research
  - o. Cooler Heads Coalition
  - p. Federalist Society
  - q. George Mason University, Scalia Law School (including emails ending: law.gmu.edu)
  - r. Independent Women's Forum (including IWF's "Center for Progress and Innovation")
  - s. Independent Women's Voice
  - t. Judicial Crisis Network
  - u. Judicial Education Project
  - v. National Association of Chemical Distributors or NACD
  - w. National Mining Association

- x. New Civil Liberties Alliance
  - y. Republican Attorneys General Association (including emails ending @republicanags.com)
  - z. Rule of Law Defense Fund (including emails ending @ruleoflawdefensefund.org)
  - aa. Satoshi Action Fund
  - bb. Seminar Network Inc. or Seminar Network Trust or “Stand Together”
  - cc. State Financial Officers Foundation
  - dd. Texas Public Policy Foundation
  - ee. U.S. Chamber of Commerce
  - ff. Utility Air Regulatory Group
4. Individuals:
- a. Allison Wood
  - b. Barre Seid
  - c. Cara Rodriguez
  - d. Carrie Lukas
  - e. Carrie Sheffield
  - f. Charles Koch
  - g. Charlotte Hays
  - h. Charlotte Whelan
  - i. Chet Thompson
  - j. Chris Prandoni
  - k. Dannielle Butcher
  - l. David Schnare or David W. Schnare
  - m. Dawn Cash
  - n. Fred Smith or Fred L. Smith or Fred L. Smith, Jr.
  - o. Gabriella Hoffman
  - p. Greg Mueller
  - q. Heather Higgins
  - r. James Enstrom
  - s. Jason Isaac
  - t. Jeff Landry
  - u. Jeffrey Holmstead
  - v. Jeffrey Wood
  - w. John M. O’Connor
  - x. John Wagner
  - y. Joseph Bast
  - z. Julie Gunlock
  - aa. Kelsey Bolar
  - bb. Leonard Leo
  - cc. Marc Morano
  - dd. Michael J. Hunter
  - ee. Myron Ebell
  - ff. Patrice Onwuka
  - gg. Patrick Morissey
  - hh. Richard Fink
  - ii. Sam Kazman
  - jj. Samantha Dravis
  - kk. Steve Milloy
  - ll. Surya Gunasekara
  - mm. Tim Phillips

**3rd, Internal Communications and Key Words.** Records (including communications and attachments as well as mailed documents) sent to or from the Office of Air and Radiation (OAR) or the Administrator's Office by Mandy Gunasekara between March 1, 2017, and February 28, 2018, and from March 1, 2020, through January 20, 2021, that contain the terms: "West Virginia v. EPA", "WV v. EPA", "DCI", "Clean Power Plan", "Independent Women", "Texas Public Policy Foundation", "major questions", "National Climate Assessment", "NCA4", or "crypto", including:

1. Other agency records including interagency communications.
2. Any documents or communications of Mandy Gunasekara that include communications with the EPA Office of General Counsel that use the term "major questions."

**4th, Other Records of Particular Public Interest.**

1. All email communications, Microsoft team chats, and text messages sent or created between February 1, 2018 and February 11, 2019 containing the terms: "Energy 45", "Energy45" "Energy45 Fund" "501(c)(4)" "501(c)" "501c4" "non-profit" "non profit" "resign" "resignation" "Trump Energy Agenda" "https://energy45.org" "energy45.org" and [www.energy45.org](http://www.energy45.org)
2. Any and all communications between the EPA employees or contractors named Brittany Bolen, Justin Swab, Alexander Dominguez, Nancy Beck, Matt Leopold, Elizabeth White, David Dunlap, Ann Idsal, Liz Bowman, Michael Molina, or Elizabeth White, and any of the following external entities or people between January 1, 2019, and February 28, 2020:
  - a. Rule of Law Defense Fund or RLDF
  - b. Samantha Dravis
  - c. Mandy Gunasekara
  - d. Section VII Strategies
  - e. Energy 45
  - f. American Petroleum Institute or API
  - g. The Independent Women's Forum or Independent Women's Voice or IWF or IWV, respectively
3. Any briefing books for the EPA Administrator prepared between 5/6/17 and 5/10/17.

**Fee Waiver Request**

This request is aimed at examining the scope of ethics issues and the influence of outside parties at the EPA. Although some reporting has been done regarding the resignation of leadership at EPA during this time period in the wake of ethics probes (including Ms. Gunasekara's former boss) the public deserves information about other actors and actions that may have been done for the benefit of industry rather than the public. True North requests a fee waiver because the documents requested will help inform the public and because True North has no commercial interest in the requested documents.

**The request concerns the operations or activities of the government.** This request is aimed at understanding the operations of the federal government, namely the motivation behind actions of EPA's OAR and Office of the Administrator, for a specific period of time and regarding specific policy measures affecting the environment and human health.

**Disclosure is likely to contribute to an understanding of government operations or activities.** Disclosure of records will contribute to an understanding of how and why certain EPA actions took place. Some of this activity has since been the focus of a historic Supreme Court case. U.S. citizens are still feeling the effects of the work of the Trump EPA and documents regarding this request will help them understand more about these policies. A review of the work of special interests and ethics flags from the past Administration may also help the public advocate for more safeguards and reporting in the future.

**Disclosure of requested information will likely result in public understanding.** True North requests that you waive search and duplication fees on the grounds that the information sought will be processed and shared in a way that meaningfully contributes to public understanding. The information will help the public better understand current and past EPA policy and the conduct of its public servants. True North intends to use its experience in research and analysis to share the contents of the disclosed documents to a broad public audience. Through its website, social media channels, and ability to share information to news outlets such as MSNBC, Washington Post, and TruthOut, True North will ensure that this information reaches a wide public audience and enhances public understanding on the issues discussed above.

**Disclosure of requested information will contribute significantly to public understanding.** Information contained in material disclosed as a result of this request will contribute significantly to public understanding. Disclosure of information requested will provide new information to the public regarding agency operations. There continues to be interest in oversight offices' review of the past conduct of federal agency appointees and staff as seen in last year's DOI report.

**The requester has no commercial interest in the disclosure and therefore public interest in disclosure is greater than the commercial interest in the request.** True North seeks this information for a public interest purpose and has no commercial interest in the requested material.

I look forward to your response within 20 working days. I request that you provide documents on a rolling basis since some records are readily retrievable.

I am happy to discuss prioritization of records, and respectfully request an estimated completion date for each component of the request in accordance with March 2020 Office of Government Information Services guidance.

Sincerely,

Evan Vorphal  
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True North  
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